

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**INNOVATIONS IN MEMORY LLC,**  
*Plaintiff,*

**v.**

**DELL TECHNOLOGIES INC. and  
DELL INC.,**

***Defendants.***



**1:24-CV-00602-DII-ADA**

**ORDER ADOPTING MAGISTRATE**  
**JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Susan Hightower (ECF No. 31) regarding Defendants' Motion to Dismiss (ECF No. 13). The report **RECOMMENDS** that the District Court **DENY** Defendants' Motion to Dismiss. The report and recommendation was filed on January 23, 2025.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).


The Defendants filed objections on February 6, 2025. ECF No. 33. The Plaintiff filed a response to those objections on February 20, 2025. ECF No. 34. The Court has conducted a *de novo* review of the Motion to Dismiss (ECF No. 13), the responses to that motion, the report and recommendation, the objections to the report and recommendation, the response to those

objections, and the applicable laws. After a thorough *de novo* review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of United States Magistrate Judge Susan Hightower, ECF No. 13 is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' objections are **OVERRULED**.

SIGNED this 23rd day of February, 2025.



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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE